



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

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PROFESSIONAL CONDUCT COMMITTEE
Minutes of Meeting on January 9, 2008
Approved on February 12, 2008

Prepared by: **Lynn Peterson Read**

Meeting Location: Weston & Sampson
5 Centennial Drive
Peabody, Massachusetts

- 1. Call to Order:** Bob Luhrs called the meeting to order at 12:50 p.m. Also present were Gail Batchelder, Janine Commerford, Deborah Farnsworth, Kirk Franklin, Christophe Henry, Gretchen Latowsky, Kelley Race, and Debra Stake. Committee members absent: Paul Mullen and Debbie Phillips. Staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Ron Viola, and Terry Wood. Also present was Wesley Stimpson, the LSP Association's Executive Director.

The members present agreed to add to the agenda as item 4.D a discussion of the memorandum from Mr. Fierce giving a six-month status report on the implementation of Board Policy 2007-1.

- 2. Announcements:** There were no announcements.
- 3. Previous Minutes:** The draft minutes of the meeting held on November 29, 2007, were corrected and approved unanimously.

4. Old Business

A. Status of CRTs

At Mr. Luhrs's request, the chair of each CRT reported on progress made during the last month.

B. Website Subcommittee

Ms. Commerford noted that the Board's Exam Subcommittee has finished the new versions of the exam, and thus members of the Website Subcommittee who also worked on the exam might now be available to assist the Subcommittee. The following Board members and staff agreed to serve on the Subcommittee and work with Chris Borges of DEP: Ms. Batchelder, Ms. Commerford, Mr. Luhrs, Mr. Viola, and Ms. Wood. As part of its work, the Subcommittee will consider the issue that the Committee previously referred to it, namely, when new complaints should be listed on the Board's Website.

C. Update re: Meeting with Division of Administrative Law Appeals (DALA)

Ms. Commerford said she contacted Shelly Taylor, chief administrative magistrate at Division of Administrative Appeals (DALA), in early December, to inquire about the status of the two appeals that were heard by DALA magistrates in late 2005 and early 2006, for which the Board has not yet received the magistrates' recommended decisions. Ms. Taylor responded that one of the decisions has been drafted and would be issued shortly. Ms. Commerford has not yet received either of the decisions, has inquired further, and will report developments to the Board as they occur.

D. Six-Month Status Report On Implementation Of Board Policy 2007-1

Ms. Commerford requested that Mr. Fierce add to his memorandum regarding "Implementation of Policy # 2007-1: *Expediting Disciplinary Investigations and Proceedings* – Six-Month Status Report" discrete information within the "Investigations Pending" category about investigations that are virtually concluded and that are in negotiation for an agreement for discipline. In discussion, the members present agreed that putting into the "Pending Investigations" category the several investigations that have resulted in such negotiations gives a misleading impression that CRTs are not completing the primary investigative tasks within the Policy's 180-day goal, when in fact they have concluded those tasks within that time and are simply offering the respondents the opportunity to enter into an agreement before the CRT submits to the Board a detailed report recommending that the Board vote to impose discipline on the LSP. Mr. Stimpson of the LSPA responded to a request for his view on this matter by agreeing that the Board's records should reflect when a CRT has completed its major investigative tasks and is ready to enter an agreement with a respondent LSP within the 180-day period, but the LSP is not ready.

The members present then discussed the format in which the staff might present this information to the Committee, and voted to request that the staff add to the Status Report (and to any future reports) a table indicating for each pending Complaint: the date the

Complaint was received; its status as to each of the four stages specified by Policy # 2007-1; and whether at the end of Stage III (the 180-day investigation period) the CRT's investigation is (1) pending and active, (2) virtually complete but the Complaint is in negotiation for an agreement for discipline, or (3) finally closed.

5. Future Meetings:

The Committee voted to change the date of its next meeting to February 12, 2008, at the Central Regional Office of MassDEP in Worcester. The Committee will also meet on March 27, 2008, at JSI Center for Environmental Health Studies (tentatively), 44 Farnsworth Street, Boston, Massachusetts.

7. Adjournment: The meeting was adjourned at approximately 1:47 p.m.